

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JOSE GARCIA,

Plaintiff,

v.

WARDEN BATTLE,

Defendants.

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Case No.: 5:08-cv-309 (CAR)

***ORDER ON THE UNITED STATES MAGISTRATE JUDGE'S ORDER AND
RECOMMENDATION***

Before the Court is the United States Magistrate Judge's Recommendation [Doc. 18] to dismiss LT. D. PEAL, INMATE TOBY CAINE, TWO JOHN DOE INMATES, and BOSTICK STATE PRISON as defendants in this case pursuant to 28 U.S.C. § 1915(e)(2). Plaintiff has not filed an objection to the Recommendation. Having considered the matter, the Court agrees with the Recommendation. Plaintiff's claims against defendant WARDEN BATTLE, however, will go forward. Accordingly, the Recommendation is **HEREBY ADOPTED AND MADE THE ORDER OF THE COURT.**

SO ORDERED, this 22nd day of June, 2009.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE

SSH